

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOSEPH TAYLOR,

Plaintiff,

v.

**WEXFORD HEALTH SOURCES,
INCORPORATED, and WEST VIRGINIA
DIVISION OF CORRECTIONS AND
REHABILITATION,**

**Civil Action No.: 2:23-cv-00475
Honorable Irene C. Berger**

Defendants.

**DEFENDANT WEST VIRGINIA DIVISION OF CORRECTIONS AND
REHABILITATION'S MOTION TO DISMISS**

COMES NOW Defendant West Virginia Division of Corrections and Rehabilitation, by and through counsel William E. Murray, Jaden P. Rhea, and the law firm of Bailey and Wyant PLLC, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and moves that Plaintiff's Amended Complaint be dismissed with prejudice because it fails to state a claim upon which relief can be granted. The basis for Defendant's Motion to Dismiss is set forth more fully in the Memorandum of Law in Support filed contemporaneously with this Motion.

**WEST VIRGINIA DIVISION OF
CORRECTIONS AND REHABILITATION,**

By Counsel

/s/ William E. Murray
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CERTIFICATE OF SERVICE

I, the undersigned, counsel for Defendant West Virginia Division of Corrections and Rehabilitation do hereby certify that on this 19th day of September 2023, I electronically filed the foregoing *“Defendant West Virginia Division of Corrections and Rehabilitation’s Motion to Dismiss”* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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